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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 SAMANTHA BOOTH,
Defendant.

CASE NO. 1:20-CR-238-NONE
PLEA AGREEMENT

16
17 **I. INTRODUCTION**

18 **A. Scope of Agreement**

19 The Second Superseding Indictment in this case charges the defendant with violations of 21
20 U.S.C. §§ 846, 841(a)(1) –conspiracy to distribute and to possess with the intent to distribute
21 methamphetamine, as alleged in Count Seven, and 21 U.S.C. § 841(a)(1)- possession with intent to
22 distribute and distribution of methamphetamine, as alleged in Counts Eight, Thirteen, and Fourteen.
23 This document contains the complete plea agreement between the United States Attorney’s Office for
24 the Eastern District of California (the “government”) and the defendant regarding this case. This plea
25 agreement is limited to the United States Attorney’s Office for the Eastern District of California and
26 cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities.

27 **B. Court Not a Party**

28 The Court is not a party to this plea agreement. Sentencing is a matter solely within the

1 discretion of the Court, and the Court may take into consideration any and all facts and circumstances
2 concerning the criminal activities of defendant, including activities that may not have been charged in
3 the Second Superseding Indictment. The Court is under no obligation to accept any recommendations
4 made by the government, and the Court may in its discretion impose any sentence it deems appropriate
5 up to and including the statutory maximum stated in this plea agreement.

6 If the Court should impose any sentence up to the maximum established by the statute, the
7 defendant cannot, for that reason alone, withdraw her guilty plea, and she will remain bound to fulfill all
8 of the obligations under this plea agreement. The defendant understands that neither the prosecutor,
9 defense counsel, nor the Court can make a binding prediction or promise regarding the sentence she will
10 receive.

11 **II. DEFENDANT'S OBLIGATIONS**

12 **A. Guilty Plea**

13 The defendant will plead guilty to Count Seven alleging a violation of 21 U.S.C. §§ 846,
14 841(a)(1) – conspiracy to distribute and to possess with the intent to distribute methamphetamine. The
15 defendant agrees that she is in fact guilty of these charges and that the facts set forth in the Factual Basis
16 for Plea attached hereto as Exhibit A are accurate.

17 The defendant agrees that this plea agreement will be filed with the Court and become a part of
18 the record of the case. The defendant understands and agrees that he will not be allowed to withdraw
19 her plea should the Court not follow the government's sentencing recommendations.

20 The defendant agrees that the statements made by him in signing this Agreement, including the
21 factual admissions set forth in the factual basis, shall be admissible and useable against the defendant by
22 the United States in any subsequent criminal or civil proceedings, even if the defendant fails to enter a
23 guilty plea pursuant to this Agreement. The defendant waives any rights under Rule 11(f) of the Federal
24 Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence, to the extent that these
25 rules are inconsistent with this paragraph or with this Agreement generally.

26 The defendant acknowledges that the crime to which she is pleading guilty is listed in 18 U.S.C.
27 § 3143(a)(2), however, the parties agree that there is good cause to allow defendant to remain out of
28 custody upon the entry of her plea.

1 **B. Sentencing Recommendation**

2 The defendant and her counsel may recommend whatever sentence they deem appropriate.

3 **C. Fine**

4 The defendant agrees to pay a fine set by the court at the time of sentencing. The defendant
5 understands that this plea agreement is voidable at the option of the government if she fails to pay the
6 stipulated fine as required by this plea agreement.

7 **D. Special Assessment**

8 The defendant agrees to pay a special assessment of \$100 at the time of sentencing by delivering
9 a check or money order payable to the United States District Court to the United States Probation Office
10 immediately before the sentencing hearing. If the defendant is unable to pay the special assessment at
11 the time of sentencing, she agrees to earn the money to pay the assessment, if necessary by participating
12 in the Inmate Financial Responsibility Program.

13 **E. Defendant's Violation of Plea Agreement or Withdrawal of Plea**

14 If the defendant, violates this plea agreement in any way, withdraws her plea, or tries to
15 withdraw her plea, this plea agreement is voidable at the option of the government. The government
16 will no longer be bound by its representations to the defendant concerning the limits on criminal
17 prosecution and sentencing as set forth herein. One way a defendant violates the plea agreement is to
18 commit any crime or provide any statement or testimony which proves to be knowingly false,
19 misleading, or materially incomplete. Any post-plea conduct by a defendant constituting obstruction of
20 justice will also be a violation of the agreement. The determination whether the defendant has violated
21 the plea agreement shall be decided under a probable cause standard.

22 If the defendant violates the plea agreement, withdraws her plea, or tries to withdraw her plea,
23 the government shall have the right: (1) to prosecute the defendant on any of the counts to which she
24 pleaded guilty; (2) to reinstate any counts that may be dismissed pursuant to this plea agreement; and (3)
25 to file any new charges that would otherwise be barred by this plea agreement. The defendant shall
26 thereafter be subject to prosecution for any federal criminal violation of which the government has
27 knowledge, including perjury, false statements, and obstruction of justice. The decision to pursue any or
28 all of these options is solely in the discretion of the United States Attorney's Office.

1 By signing this plea agreement, the defendant agrees to waive any objections, motions, and
2 defenses that the defendant might have to the government's decision to exercise the options stated in the
3 previous paragraph. Any prosecutions that are not time-barred by the applicable statute of limitations as
4 of the date of this plea agreement may be commenced in accordance with this paragraph,
5 notwithstanding the expiration of the statute of limitations between the signing of this plea agreement
6 and the commencement of any such prosecutions. The defendant agrees not to raise any objections
7 based on the passage of time with respect to such counts including, but not limited to, any statutes of
8 limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
9 Amendment to any counts that were not time-barred as of the date of this plea agreement.

10 In addition: (1) all statements made by the defendant to the government or other designated law
11 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,
12 whether before or after this plea agreement, shall be admissible in evidence in any criminal, civil, or
13 administrative proceedings hereafter brought against the defendant; and (2) the defendant shall assert no
14 claim under the United States Constitution, any statute, Rule 11(f) of the Federal Rules of Criminal
15 Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule, that statements made by
16 the defendant before or after this plea agreement, or any leads derived therefrom, should be suppressed.
17 By signing this plea agreement, the defendant waives any and all rights in the foregoing respects.

18 **F. Forfeiture**

19 The defendant agrees to forfeit to the United States voluntarily and immediately all of her right
20 title and interest to any and all assets subject to forfeiture pursuant to 21 U.S.C. § 853. Those assets
21 include, but are not limited to, any United States currency seized from the defendant.

22 The defendant agrees not to file a claim to any of the listed property in any civil proceeding,
23 administrative or judicial, which may be initiated. The defendant agrees to waive her right to notice of
24 any forfeiture proceeding involving this property, and agrees to not file a claim or assist others in filing a
25 claim in that forfeiture proceeding.

26 The defendant knowingly and voluntarily waives her right to a jury trial on the forfeiture of
27 assets. The defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses
28 to the forfeiture of these assets in any proceeding. The defendant agrees to waive any jeopardy defense,

1 and agrees to waive any claim or defense under the Eighth Amendment to the United States
2 Constitution, including any claim of excessive fine, to the forfeiture of the assets by the United States,
3 the State of California or its subdivisions.

4 The defendant waives oral pronouncement of forfeiture at the time of sentencing, and any
5 defenses or defects that may pertain to the forfeiture.

6 **III. THE GOVERNMENT'S OBLIGATIONS**

7 **A. Dismissals**

8 The government agrees to move, at the time of sentencing, to dismiss without prejudice the
9 remaining counts in the pending Second Superseding Indictment. The government also agrees not to
10 reinstate any dismissed count except if this agreement is voided as set forth herein, or as provided in II.E
11 (Defendant's Violation of Plea Agreement), and VII.B (Waiver of Appeal) herein.

12 **B. Recommendations**

13 **1. Incarceration Range**

14 The government will recommend a sentence within the applicable guideline range, as determined
15 by the Court. The government may recommend whatever it deems appropriate as to all other aspects of
16 sentencing.

17 **2. Acceptance of responsibility**

18 The government will recommend a two-level reduction (if the offense level is less than 16) or a
19 three-level reduction (if the offense level reaches 16) in the computation of defendant's offense level if
20 she clearly demonstrates acceptance of responsibility for her conduct as defined in U.S.S.G. § 3E1.1.
21 This includes the defendant meeting with and assisting the probation officer in the preparation of the
22 pre-sentence report, being truthful and candid with the probation officer, and not otherwise engaging in
23 conduct that constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the
24 preparation of the pre-sentence report or during the sentencing proceeding.

25 **C. Safety Valve**

26 The defendant may be eligible for relief under U.S.S.C. § 5C1.2.
27
28

D. First Step Act

The FIRST STEP Act (“Formerly Incarcerated Reenter Society Transformed Safely Transition Every Person Act”), signed into law on December 21, 2018, created a discrepancy between the statutory safety valve provision at 18 U.S.C. § 3553(f) and the safety valve provision at Section 5C1.2 of the Guidelines Manual. The government and defendant agree that if (1) sentencing in this case occurs prior to any amendment of Section 5C1.2, (2) the Sentencing Commission has not rejected an amendment to Section 5C1.2 of the Guidelines Manual that would account for the current discrepancy before sentencing, and (3) the defendant qualifies for the statutory safety valve provision at 18 U.S.C. § 3553(f), but not the safety valve provision at Section 5C1.2 of the Guidelines Manual:

- (a) This Court should impose as sentence “without regard to the mandatory minimum” that would otherwise be applicable;
- (b) This Court should not award a two-level safety valve reduction under Section 5C1.2 of the Guidelines Manual because the defendant has not satisfied the requirements listed in Section 5C1.2 of the Guidelines Manual;
- (c) In addition to any other arguments or requests the defendant is permitted to make under the terms of this plea agreement, the defendant may request a downward variance equivalent to the reduction in the final guideline range he or she would receive were he or she eligible for safety valve relief in accordance with Section § 5C1.2 of the Guidelines Manual; and,
- (d) The government will not oppose such a downward variance request provided that: (1) the defendant agrees that if the Court grants the requested variance he or she will not seek a further reduction in his guideline range or sentence based on a subsequent amendment to Section § 5C1.2 of the Guidelines Manual in any manner, including but not limited to, in a motion pursuant to 18 U.S.C. § 3582(c) or 28 U.S.C. §§ 2255 or 2241, an administrative petition, or any other action or filing; or (2) the government agrees with the calculation of the variance.

E. Use of Information for Sentencing

The government is free to provide full and accurate information to the Court and the United States Probation Office (“Probation”), including answering any inquiries made by the Court and/or Probation, and rebutting any inaccurate statements or arguments by the defendant, her attorney,

1 Probation, or the Court. The defendant also understands and agrees that nothing in this Plea Agreement
2 bars the government from defending on appeal or collateral review any sentence that the Court may
3 impose.

4 **IV. ELEMENTS OF THE OFFENSE**

5 At a trial, the government would have to prove beyond a reasonable doubt the following
6 elements of the offense(s) to which the defendant is pleading guilty:

7 As to Count Seven, Conspiracy to Distribute and to Possess with the Intent to Distribute
8 Methamphetamine, the elements are as follows:

- 9 1. Beginning on or about September 1, 2020, and ending on or about October 1, 2020, there
10 was an agreement between two or more persons to distribute a controlled substance; and
- 11 2. The defendant joined in the agreement knowing of its purpose and intending to help
12 accomplish that purpose, and
- 13 3. In order for the ten-year mandatory minimum to apply, the government must prove
14 beyond a reasonable doubt that the offense involved at least at least 50 grams of
15 methamphetamine (actual), and 500 grams or more of a mixture or substance containing
16 methamphetamine.

17 The defendant fully understands the nature and elements of the crimes charged in the Second
18 Superseding Indictment to which she is pleading guilty, together with the possible defenses thereto, and
19 has discussed them with her attorney.

20 **V. MAXIMUM SENTENCE**

21 **A. Maximum penalty**

22 The maximum sentence that the Court can impose is ten year mandatory minimum period of
23 incarceration and up to a lifetime period of incarceration, a fine of \$10,000,000, a five year minimum
24 term of supervised release up to a lifetime term of supervised release and a special assessment of \$100.
25 The charge to which defendant is pleading guilty carries a ten-year mandatory minimum sentence,
26 absent a motion by the government for reduction pursuant to 18 U.S.C. § 3553(e). In addition, the
27 defendant may be ineligible for certain federal and/or state assistance and/or benefits, pursuant to 21
28 U.S.C. § 862. By signing this plea agreement, the defendant also agrees that the Court can order the

1 payment of restitution for the full loss caused by the defendant's wrongful conduct. The defendant
2 agrees that the restitution order is not restricted to the amounts alleged in the specific counts to which
3 the defendant is pleading guilty. The defendant further agrees, as noted above, that she will not attempt
4 to discharge in any present or future bankruptcy proceeding any restitution imposed by the Court.

5 **B. Violations of Supervised Release**

6 The maximum sentence that the Court can impose is ten year mandatory minimum period of
7 incarceration and up to a lifetime period of incarceration, a fine of \$10,000,000, a five year minimum
8 term of supervised release up to a lifetime term of supervised release and a special assessment of \$100.
9 The charge to which defendant is pleading guilty carries a ten-year mandatory minimum sentence,
10 absent a motion by the government for reduction pursuant to 18 U.S.C. § 3553(e). In addition, the
11 defendant may be ineligible for certain federal and/or state assistance and/or benefits, pursuant to 21
12 U.S.C. § 862. By signing this plea agreement, the defendant also agrees that the Court can order the
13 payment of restitution for the full loss caused by the defendant's wrongful conduct. The defendant
14 agrees that the restitution order is not restricted to the amounts alleged in the specific counts to which
15 the defendant is pleading guilty. The defendant further agrees, as noted above, that she will not attempt
16 to discharge in any present or future bankruptcy proceeding any restitution imposed by the Court.

17 **VI. SENTENCING DETERMINATION**

18 **A. Statutory Authority**

19 The defendant understands that the Court must consult the Federal Sentencing Guidelines and
20 must take them into account when determining a final sentence. The defendant understands that the
21 Court will determine a non-binding and advisory guideline sentencing range for this case pursuant to the
22 Sentencing Guidelines and must take them into account when determining a final sentence. The
23 defendant further understands that the Court will consider whether there is a basis for departure from the
24 guideline sentencing range (either above or below the guideline sentencing range) because there exists
25 an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into
26 consideration by the Sentencing Commission in formulating the Guidelines. The defendant further
27 understands that the Court, after consultation and consideration of the Sentencing Guidelines, must
28 impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

VII. WAIVERS

A. Waiver of Constitutional Rights

The defendant understands that by pleading guilty she is waiving the following constitutional rights: (a) to plead not guilty and to persist in that plea if already made; (b) to be tried by a jury; (c) to be assisted at trial by an attorney, who would be appointed if necessary; (d) to pursue any affirmative defenses, Fourth Amendment or Fifth Amendment claims, constitutional challenges to the statutes of conviction, and other pretrial motions that have been filed or could be filed; (e) to subpoena witnesses to testify on her behalf; (f) to confront and cross-examine witnesses against him; and (g) not to be compelled to incriminate himself.

B. Waiver of Appeal and Collateral Attack

The defendant understands that the law gives the defendant a right to appeal her guilty plea, conviction, and sentence. The defendant agrees as part of her plea/pleas, however, to give up the right to appeal the guilty plea, conviction, and the sentence imposed in this case. The defendant understands that this waiver includes, but is not limited to, any and all constitutional and/or legal challenges to the defendant's conviction and guilty plea, including arguments that the statutes to which defendant is pleading guilty are unconstitutional, and any and all claims that the statement of facts attached to this agreement is insufficient to support the defendant's plea of guilty. The defendant specifically gives up the right to appeal any order of restitution the Court may impose.

Notwithstanding the defendant's waiver of appeal, the defendant will retain the right to appeal if one of the following circumstances occurs: (1) the sentence imposed by the District Court exceeds the statutory maximum; and/or (2) the government appeals the sentence in the case. The defendant understands that these circumstances occur infrequently and that in almost all cases this Agreement constitutes a complete waiver of all appellate rights.

In addition, regardless of the sentence the defendant receives, the defendant also gives up any right to bring a collateral attack, including a motion under 28 U.S.C. § 2255 or § 2241, challenging any aspect of the guilty plea, conviction, or sentence, except for non-waivable claims.

Notwithstanding the agreement in paragraph III.A (Dismissals) above that the government will move to dismiss counts against the defendant, if the defendant ever attempts to vacate her plea, dismiss

1 the underlying charges, or modify or set aside her sentence on any of the counts to which she is pleading
 2 guilty, the government shall have the rights set forth in paragraph II.E (Defendant's Violation of Plea
 3 Agreement) herein.

4 **C. Impact of Plea on Defendant's Immigration Status**

5 Defendant recognizes that pleading guilty may have consequences with respect to her
 6 immigration status if she is not a citizen of the United States. Under federal law, a broad range of
 7 crimes are removable offenses, including offense(s) to which the defendant is pleading guilty. The
 8 defendant and her counsel have discussed the fact that the charge to which the defendant is pleading
 9 guilty is an aggravated felony, or a crime that is likely to be determined to be an aggravated felony under
 10 8 USC § 1101(a)(43), and that while there may be arguments that defendant can raise in immigration
 11 proceedings to avoid or delay removal, it is virtually certain that defendant will be removed. Indeed,
 12 because defendant is pleading guilty to 21 U.S.C. § 841(a), removal is presumptively mandatory.
 13 Removal and other immigration consequences are the subject of a separate proceeding, however, and
 14 defendant understands that no one, including her attorney or the district court, can predict to a certainty
 15 the effect of her conviction on her immigration status. Defendant nevertheless affirms that she wants to
 16 plead guilty regardless of any immigration consequences that her plea may entail, even if the
 17 consequence is her automatic removal from the United States.

18 **VIII. ENTIRE PLEA AGREEMENT**

19 Other than this plea agreement, no agreement, understanding, promise, or condition between the
 20 government and the defendant exists, nor will such agreement, understanding, promise, or condition
 21 exist unless it is committed to writing and signed by the defendant, counsel for the defendant, and
 22 counsel for the United States.

23 //

25 //

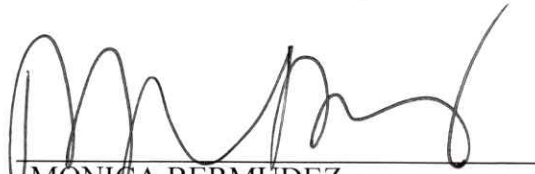
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IX. APPROVALS AND SIGNATURES

A. Defense Counsel

I have read this plea agreement and have discussed it fully with my client. The plea agreement accurately and completely sets forth the entirety of the agreement. I concur in my client's decision to plead guilty as set forth in this plea agreement.

Dated: 10/10/23


MONICA BERMUDEZ

Counsel for Defendant

B. Defendant

I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines that may apply to my case. No other promises or inducements have been made to me, other than those contained in this plea agreement. In addition, no one has threatened or forced me in any way to enter into this plea agreement. Finally, I am satisfied with the representation of my attorney in this case.

Dated: 10/6/2023


SAMANTHA BOOTH, Defendant

C. Attorney for the United States

I accept and agree to this plea agreement on behalf of the government.

PHILLIP A. TALBERT
United States Attorney

By: 

STEPHANIE M. STOKMAN
Assistant United States Attorney

EXHIBIT "A"
Factual Basis for Plea

If this matter proceeded to trial, the United States would establish the following facts beyond a reasonable doubt:

Beginning on September 1, 2020, and continuing through on or about October 1, 2020, in the Eastern District of California and elsewhere, defendant SAMANTHA BOOTH conspired with others, both known and unknown, to distribute and possess with the intent to distribute a controlled substance.

On or about September 18, 2020, co-defendants Stephanie Madsen and Kenneth Bash planned to transport methamphetamine from the Los Angeles area to Fresno. Between September 21 and September 22, 2020, Madsen packed methamphetamine, which was picked up by James Armstrong and transported to Fresno, CA, EDCA.

Once in Fresno, Armstrong took the methamphetamine to BOOTH's house, where it was stored in a safe until the narcotics could be further distributed. BOOTH took approximately one pound of the methamphetamine and sold it.

At all times relevant BOOTH knew that methamphetamine was a controlled substance.

Dated: 10/6/2023


SAMANTHA BOOTH, Defendant